

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:05CR93
Plaintiff,)	
)	
v.)	
)	ORDER
RUDOLPH GEORGE STANKO,)	
)	
Defendant.)	
_____)	

Before the court is defendant's Notice of the Accused and Objection to the Magistrate's Refusal to Allow Non-lawyer Michael Allen Chalupa to advise him (Filing No. 77). On or about May 4, 2005, this court entered an order advising the defendant that he must file a notice with the court indicating whether he or his lawyer advisors would be filing future pleadings with the court. Filing No. 47. Thereafter, defendant filed pleadings without complying with Filing No. 47. Consequently, the court struck Filing Nos. 66, 67, and 69 from the record until such time as defendant complied with the order. Filing No. 71. Defendant has now filed a notice, Filing No. 77, indicating that he will be lead counsel in this case. Accordingly, the court will order the reinstatement of Filing Nos. 66, 67 and 69, and counsel for the government shall have fourteen days from the date of this order to respond to these filings.

Defendant further contends that the magistrate's refusal to allow defendant to permit one Michael Allen Chalupa to assist him at counsel table violates his constitutional rights. The court notes that Mr. Chalupa is not an attorney and does not represent defendant. There is no constitutional right to have Mr. Chalupa assist in defendant's representation.

The Clerk of Court is hereby instructed not to accept any further pleadings signed by Mr. Michael Allen Chalupa. Further, the court denies defendant's objections to the magistrate's refusal to allow Michael Allen Chalupa to advise and assist the defendant during these proceedings.

THEREFORE, IT IS ORDERED:

1. The Clerk of Court will reinstate Filing Nos. 66, 67 and 69, and the government shall have fourteen days from the date of this order to respond to said filings; and
2. Defendant's objection to the magistrate's refusal to allow non-lawyer Michael Allen Chalupa to advise him in this case is overruled, and the Clerk of Court is instructed to not accept any filings signed by Michael Allen Chalupa.

DATED this 8th day of November, 2005.

BY THE COURT:

s/ Joseph F. Bataillon

JOSEPH F. BATAILLON
UNITED STATES DISTRICT JUDGE